

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO.: 09-019
VERSUS	*	SECTION: "N" (2)
MICHAEL DESHAWN BADON	*	
	* * *	

FACTUAL BASIS

If this case were to proceed to trial, the Government would prove the Defendant guilty beyond a reasonable doubt of Count One of the Indictment. The Defendant, MICHAEL DESHAWN BADON, is charged with knowingly and intentionally possessing in and affecting commerce a firearm, after having been convicted of a crime punishable by imprisonment for a term exceeding one year; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). The Government would establish the following through reliable and competent evidence:

1. On November 25, 2008, U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") Special Agent Jason Townsend, acting in an undercover capacity, purchased a Colt .38 caliber revolver from an individual later identified as the defendant, MICHAEL DESHAWN BADON. The transaction was arranged by John E. Delco, a/k/a "Tattoo," an individual from whom ATF S/A Townsend previously had purchased firearms and narcotics.

2. On the date in question, Delco contacted S/A Townsend by telephone and told him that he wanted to meet with Townsend because he knew someone who wanted to sell a firearm. Townsend agreed to meet with Delco and the other individual.
3. Delco arrived at the meet location – within the City of New Orleans and the Eastern District of Louisiana – accompanied by BADON. BADON told S/A Townsend that he had a firearm that he wanted to sell and asked if Townsend would be interested. When Townsend stated that he would, BADON departed the area to retrieve the gun.
4. When BADON returned, he was driving a dark-colored Dodge Stratus with a Texas license plate, and drove the vehicle into the open garage of the meet location. BADON then opened the hood of the vehicle and retrieved a firearm from the air filter compartment near the engine. S/A Townsend and BADON agreed upon a price of one hundred (\$100) dollars for the weapon, and Townsend also paid Delco fifty (\$50) dollars for arranging the transaction. Said firearm was later determined to be a Colt .38 caliber revolver, bearing serial number 2141.
5. At the time of the above-described sale, BADON had sustained three convictions for crimes punishable by imprisonment for terms exceeding one year: one, a conviction on November 7, 1997, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 391-887 “A,” for Theft of Goods Valued at More Than \$100 but Less Than \$500, in violation of Louisiana Revised Statute 14:67.10(B)(2); a conviction on September 14, 1998, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 398-630 “D,” for Attempted Simple Burglary of an Inhabited Dwelling, in violation of Louisiana Revised Statute 14:27/62.2; and a conviction on September 19, 2007, in the Criminal District Court for the Parish of Orleans, State of

Louisiana, Case Number 461-035 “G,” for Attempted Possession of a Firearm by a Convicted Felon, in violation of Louisiana Revised Statute 14:27/95.1.

6. The above-mentioned Colt .38 caliber revolver bearing serial number 2141 is a firearm as defined in Title 18, United States Code, Section 921(a)(3) by nature of the fact that it will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive. Furthermore, it was not manufactured within the State of Louisiana, therefore, it affected interstate commerce at some point in time.

MICHAEL DESHAWN BADON admits that he was in possession of the above-mentioned Colt .38 caliber revolver bearing serial number 2141 on November 25, 2008, and he acknowledges that said conduct constitutes a knowing violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

APPROVED AND ACCEPTED:

MICHAEL DESHAWN BADON (date)
Defendant

WARREN L. MONTGOMERY (date)
Attorney for Defendant

R. CHRISTOPHER COX III (date)
Assistant United States Attorney